
By: **Senator Colburn**

Introduced and read first time: January 31, 2003

Assigned to: Finance

A BILL ENTITLED

1 AN ACT concerning

2 **Assisted Living Programs - Small Facilities - Exclusion**

3 FOR the purpose of altering the definition of assisted living program; excluding from
4 the definition those programs with fewer than a certain number of individuals
5 in them; and generally relating to assisted living programs.

6 BY repealing and reenacting, with amendments,
7 Article - Health - General
8 Section 19-1801
9 Annotated Code of Maryland
10 (2000 Replacement Volume and 2002 Supplement)

11 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
12 MARYLAND, That the Laws of Maryland read as follows:

13 **Article - Health - General**

14 19-1801.

15 In this subtitle:

16 (1) "Assisted living program" means a residential or facility-based
17 program that provides housing and supportive services, supervision, personalized
18 assistance, health-related services, or a combination [thereof] OF THOSE SERVICES
19 TO SIX OR MORE INDIVIDUALS that meets the needs [of individuals who] FOR THOSE
20 WHO are unable to perform or who need assistance in performing the activities of
21 daily living or instrumental activities of daily living in a way that promotes optimum
22 dignity and independence for the individuals.

23 (2) "ASSISTED LIVING PROGRAM" INCLUDES AN ASSISTED LIVING
24 PROGRAM THAT PROVIDES THE SERVICES LISTED IN PARAGRAPH (1) OF THIS
25 SECTION TO FIVE OR FEWER INDIVIDUALS IF THE ACTIONS OF THE ASSISTED LIVING
26 PROGRAM HAVE:

27 (I) CAUSED ACTUAL PHYSICAL OR EMOTIONAL HARM TO A
28 RESIDENT IN THE PROGRAM; OR

1 (II) PLACED A RESIDENT IN THE PROGRAM AT RISK OF PHYSICAL
2 OR EMOTIONAL HARM.

3 [(2)] (3) "Assisted living program" does not include:

4 (i) A nursing home, as defined under § 19-301 of this title;

5 (ii) A State facility, as defined under § 10-101 of this article;

6 (iii) A program licensed by the Department under Title 7 or Title 10
7 of this article;

8 (iv) A hospice care program regulated by the Department under
9 Subtitle 9 of this title;

10 (v) Services provided by family members; [or]

11 (vi) Services provided in an individual's own home; OR

12 (VII) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SECTION, AN
13 ASSISTED LIVING PROGRAM THAT PROVIDES SERVICES TO FIVE OR FEWER
14 INDIVIDUALS.

15 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take
16 effect October 1, 2003.